

E-filed 4/3/08

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Electronic Frontier Foundation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUPONS, INC.,

Plaintiff,

v.

JOHN STOTTLEMIRE and DOES 1-10,

Defendants.

Case No. 5:07-CV-03457 HRL

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING
DATE ON DEFENDANT'S MOTION
TO DISMISS TO MAY 13, 2008**

Date: May 6, 2008

[N.D. Cal. Local Rule 6-2]

1 Amicus Curiae Electronic Frontier Foundation, Plaintiff Coupons, Inc., and
2 Defendant John Stottlemire hereby file this Stipulation requesting the Court continue the hearing
3 date on Defendant John Stottlemire's Motion to Dismiss, currently scheduled by the Court for
4 May 6, 2008, by one week to May 13, 2008.

5 WHEREAS, on December 27, 2007, Plaintiff Coupons, Inc. filed its Second
6 Amended Complaint;

7 WHEREAS, on February 26, 2008, Defendant Stottlemire filed a Motion to
8 Dismiss For Failure to State a Claim On Which Relief Can Be Granted;

9 WHEREAS, on March 25, 2008, Amicus Curiae Electronic Frontier Foundation
10 (EFF) filed Motions for Leave to File an Amicus Curiae Brief and for Leave to Appear and
11 Participate in Oral Argument in support of Defendant's Motion.

12 WHEREAS, on March 31, 2008, the Court granted EFF's two motions and
13 ordered the brief to be filed;

14 WHEREAS, on March 31, 2008, the Court signed a stipulation and order
15 allowing Plaintiff to file its Opposition to the Motion to Dismiss on April 4, 2008, and allowing
16 Defendant to file his Reply on April 11, 2008, and moving the hearing date on the Motion to
17 May 6, 2008;

18 WHEREAS, as stated in the accompanying Declaration of Jennifer Lynch, EFF's
19 attorneys, Jennifer Lynch and Jason Schultz, are both scheduled to attend a conference out of
20 town during the week of May 5, 2008;

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1 IT IS HEREBY STIPULATED by and between the parties hereto that the hearing
2 date on the Motion to Dismiss be continued to May 13, 2008.

3 DATED: April 3, 2008

4 By: /s/ Jennifer A. Lynch

5 Jennifer A. Lynch
6 Samuelson Law, Technology & Public Policy
7 Clinic at U.C. Berkeley Law School
8 Attorney for Amicus Curiae
9 Electronic Frontier Foundation
(Supervising Attorney)

10 By: /s/ Carly Alameda

11 Carly Alameda
12 Farella Braun & Martel
13 Attorneys for Plaintiff
COUPONS, INC.

14 By: /s/ John Stottlemire

15 John Stottlemire
16 Defendant, *pro se*

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18 **ORDER**

19 Good cause appearing therefor, IT IS HEREBY ORDERED that the hearing on
20 Defendant's Motion to Dismiss is CONTINUED to May 13, 2008 at 10:00 am (Courtroom 2,
21 Fifth Floor of United States District Court in San Jose, California).

22 PURSUANT TO STIPULATION, IT IS SO ORDERED

23 DATED: 4/3, 2008

24 By:  _____

25 The Honorable Howard R. Lloyd
26 United States Magistrate Judge
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